

MINUTES

MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: By **CHAIRMAN KEN MESAROS**, on February 13, 1999 at 7:40 A.M., in Room 402 Capitol.

ROLL CALL

Members Present:

Sen. Ken Mesaros, Chairman (R)
Sen. Mike Taylor, Vice Chairman (R)
Sen. Tom A. Beck (R)
Sen. Al Bishop (R)
Sen. William Crismore (R)
Sen. Steve Doherty (D)
Sen. Pete Ekegren (R)
Sen. Jon Ellingson (D)
Sen. Eve Franklin (D)
Sen. Bea McCarthy (D)
Sen. Chuck Swysgood (R)
Sen. Jack Wells (R)

Members Excused: None.

Members Absent: None.

Staff Present: Leanne Kurtz, Legislative Branch
Adrienne Pillatzke, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: None.
Executive Action: SB 293; SB 241; SB 324; SB 381

EXECUTIVE ACTION ON SB 293

Motion/Vote: SEN. BISHOP moved that SB 293 DO PASS. Motion carried unanimously. 12-0.

EXECUTIVE ACTION ON SB 241

Motion: SEN. DOHERTY moved that SB 241 AMENDMENT DO PASS.

Discussion:

SENATOR DOHERTY entered and discussed amendment,
EXHIBIT(fis36a01).

SENATOR MESAROS asked where does it clarify who is going to certify. SENATOR MCCARTHY stated where it clarifies who is going to certify.

Vote: Motion carried unanimously. 12-0.

Motion/Vote: SEN. DOHERTY moved that SB 241 DO PASS AS AMENDED.
Motion carried unanimously. 12-0.

{Tape : 1; Side : A; Approx. Time Counter : 7:43 - 8:00; Comments : Discussion on SB 329, no executive action.}

EXECUTIVE ACTION ON SB 324

Discussion:

SENATOR SWYSGOOD stated he had problems with SB 324. He didn't know if the intent was to keep out-of-state hunters from coming into Montana. He stated there are programs which are funded from out-of-state hunter fees.

SENATOR TAYLOR stated he would like to see more than just the commitment to reduce the license from out-of-staters based on the need. He believes if game is declining then the licenses, both resident and nonresident, should be reduced.

SENATOR BECK asked if there are studies to show what nonresident hunters are doing to the game population versus resident hunters and versus predator animals. Pat Graham stated he could not recall, but could get the information to him at a later time. He said predators populations vary across the state. SENATOR BECK asked if nonresident hunters are filling their quota compared to what they were in the past. Mr. Graham replied he could not answer the question but would get the information later.

SENATOR DOHERTY stated the issue is not about biology, it is about access and nonresidents leasing more land for hunting. He said his district is concerned about this issue.

SENATOR WELLS commented on a ranch where he use to hunt but is now being leased out. He said an outfitter told him where a concentration of hunters have demolished the selection of game on block managed land. He believes the committee has to address the situation at some time.

SENATOR SWYSGOOD commented that not just nonresident hunters would have bad hunting but also resident hunters. He commented on the hunting in his district.

SENATOR CRISMORE stated the out-of-state leasing is not going to be the problem. He commented on his land he leased to nonresidents.

SENATOR TAYLOR stated the issue comes down to property rights. Limiting the number of licenses will not address the issue.

SENATOR EKEGREN commented he is opposed to restricting out-of-state hunters especially in light of personal property rights.

Motion/Vote: SEN. SWYSGOOD moved that SB 324 BE TABLED. Motion carried 8-4 with Bishop, Doherty, Ellingson, and Wells voting no.

{Tape : 1; Side : A; Approx. Time Counter : 8:15}

EXECUTIVE ACTION ON SB 381

Motion: SEN. TAYLOR moved that SB 381 AMENDMENT DO PASS.

Discussion:

SENATOR SWYSGOOD asked if this was requested by FWP.

SENATOR MESAROS stated it was in the response of the Hunter's Ethics Committee.

Leanne Kurtz entered amendment, **EXHIBIT(fis36a02)**.

SENATOR SWYSGOOD asked what does the bill do. **SENATOR WELLS** responded that it puts fines on the serious crimes; the three times you are out and can't hunt any more in Montana.

Pat Graham explained the amendment.

SENATOR BECK asked if the FWP Department asked for the amendment. **Pat Graham** replied the legislation came from the recommendations of the state-wide Hunter Behavior Advisory Council. **SENATOR BECK** asked when the council was started. **Mr. Graham** responded a year to a year and a half ago. **SENATOR BECK** asked if it was from legislation the previous session. **Mr. Graham** commented the legislation came from growing concern among hunters and from what they were hearing about the behavior of some hunters affecting landowner relations and affecting the public perception of hunters. He explained the members of the Hunter Behavior Advisory Council. He stated the recommendations are to stiffen up some penalties, to send violators to a violator school and to help develop and advance the hunter education program.

SENATOR BECK commented for a good sportsman who had an inadvertent accident where the bullet went through one game and killed another. The penalty is stiff for an accident. **Mr. Graham** replied the offenses listed on page 3 are offenses selected specifically because they are not accidental.

SENATOR BECK asked if fish are included under this bill. **Mr. Graham** replied it does include fish as well as birds.

Vote: Motion **carried unanimously.**

Motion: **SEN. TAYLOR** moved that **SB 381 DO PASS AS AMENDED.**

Discussion:

SENATOR DOHERTY commented on Senator Beck's question.

SENATOR TAYLOR stated SB 381 needs to happen. Violations are putting pressure on game. The state has slob hunters and outfitters that don't follow the rules and they need to be addressed. He gave an example of a Great Falls resident who was caught poaching and the Department didn't have enough power to do anything about it and the resident was let off.

{Tape : 1; Side : B; Approx. Time Counter : 8:24}

SENATOR EKEGREN asked if the responsible hunters were in favor of SB 381. **Pat Graham** responded as far as he knew.

SENATOR BECK commented on sending a violator to hunter violator school.

SENATOR WELLS believes SB 381 is a good bill. He commented on talking to residents in Montana. **SENATOR BECK** stated the way to solve this problem is to have more game wardens. **SENATOR WELLS** stated maybe if the fines increased there would be more money to fund more game wardens. He described a situation involving mountain sheep which is not included in the bill.

SENATOR DOHERTY said a suggestion that was made to him was if a violator was good for five years they could be cleared of the violation.

SENATOR MESAROS commented if the rules they have now were enforced, why would they need this bill. **Pat Graham** replied the issue was about the chronic knowing violator. He said it is for violators who break the laws that are not accidental. He explained the school in which the violators would have to go to.

Vote: Motion **carried 9-3 with Beck, Swysgood, and Mesaros voting no.**

ADJOURNMENT

Adjournment: 8:30 A.M.

SEN. KEN MESAROS, Chairman

ADRIENNE PILLATZKE, Secretary

KM/AP

EXHIBIT (fis36aad)